

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION**

**IN RE:**

**KELLIE DAWN WILMOTH**

**Debtor**

**CHAPTER 13**

**CASE NO. 24-61392**

**TRUSTEE'S OBJECTION TO CONFIRMATION, MOTION TO DISMISS,  
AND REQUEST FOR DOCUMENTS AND AMENDMENTS**

COMES NOW the Chapter 13 Trustee, and (i) submits this request for documents and amendments from the Debtor(s) following the meeting of creditors, and (ii) objects to confirmation of the Plan filed on 01/02/2025 and (iii) moves to dismiss this case unless all of the objections and requests for documents and amendments have been resolved prior to the hearing. The hearing on the Trustee's objection to confirmation and motion to dismiss or convert shall be held on:

**February 13, 2025 at 9:30 a.m.**

Parties should contact Judge Connelly's courtroom deputies at  
VAWBml\_Connelly\_Scheduling@vawb.uscourts.gov  
to obtain video access instructions and Zoom access information

1. The Trustee requests the Debtor to provide the following documents, or file with the Court the following amendments and pleadings, at least ten (10) days before the hearing noticed herein, to assist in resolving the Trustee's objections:

**Documents - Income**

- Bank and financial statements from all personal and business accounts for the period of :  
December.

**Documents - Other**

- File a pre-confirmation affidavit from Debtor(s), or other appropriate evidence to satisfy matters addressed in the affidavit.

2. The Trustee objects to confirmation of the plan and requests that the Plan be amended to address the following issues:

**Objections**

- The Debtor fails to provide that all of the disposable income in the commitment period will be applied to plan payments pursuant to 11 U.S.C. Section 1325(b)(1)(B). Amend plan to pay 100% of claims.

3. The Trustee prays that any confirmation order entered in this case shall include the following other provisions:

**Conf - Must Pay 100%**

- The Plan must yield 100% to all allowed unsecured creditors pursuant to 11 U.S.C. Section 1325 (b)(1)(B) Disposable Income Test, and Debtor(s) shall promptly amend this confirmed plan if allowed claims are higher than anticipated and the plan no longer yields 100%. Nothing herein, however, waives the Debtor(s) right to seek entry of an order from the Court approving the post-confirmation modification of the plan, as appropriate, under 11 U.S.C. 1329.

4. The Trustee shall ask for dismissal or conversion of the case if the Debtor does not timely commence making Plan payments at the rate and in the amounts stated in their Plan. If the Plan calls for payments through an automatic wage deduction from an employer, the Debtor must make payments directly to the Trustee until the wage deduction takes effect.

**WHEREFORE**, your Trustee requests that the Court dismiss or convert this case if the Debtor(s) fail to do any of the following: (i) resolve the objections noticed herein, (ii) provide the requested modifications, documents, amendments, and/or actions; (iii) appear at the original or adjourned Meeting of Creditors; (iv) remain current in Plan payments; or (v) file a confirmable Plan.

Dated: January 22, 2025

/s/ Angela M. Scolforo

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Angela M. Scolforo, Chapter 13  
Trustee  
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Charlottesville, VA 22902  
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#### **CERTIFICATE OF SERVICE**

I certify that a true copy of this Trustee's Request for Documents and Amendments, Objection to Confirmation, and Motion to Dismiss or Convert was served by first class mail, postage paid, upon the Debtor and served electronically upon the Debtor's counsel on January 22, 2025.

/s/ Angela M. Scolforo

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